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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,883	05/30/2001	Christopher Jay Davia	RSW920010104US1	7099

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David R. Irvin  
IBM Corporation T81/503  
PO Box 12195  
Research Triangle Park, NC 27709

EXAMINER

VO, TED T

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 09/10/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/867,883

Applicant(s)

DAVIA ET AL.

Examiner

Ted T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is in response to the application filed on 05/30/2001.

Claims 1-16 are original claims.

Claims 1-16 are pending in the application.

***Information Disclosure Statement***

2. Document 9330243A, submitted on 5/30/2001, in Applicant's Information Disclosure Statement is marked with translation, but the translation is not included. It is not considered by examiner because this document is not written in English. See MPEP, 37 CFR 1.98 (3)(ii).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Tse, (US 5, 742,754), submitted by applicants.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per claim 1:

Tse's disclosure teaches, "**A method for testing an application program, comprising the steps of: capturing input data entered into a primary test computer testing an application program**" (see

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column 4, 24-45, the user defines a software product for testing, a proper test suite, and a plurality of different computer hardware configurations for a software testing "job.");

***"sending the input data from the primary test computer to a secondary test computer also testing the application program; receiving the input data by the secondary test computer"***(see column 4, lines 54-67, The product build computer system is generally used to compile the software product being tested before it is down loaded as binary instructions onto a servant computer system);

***"executing the application program by the secondary test computer responsive to the input data"*** (see column, 5, lines 20-25, executing a particularly job on one servant computer system);

***"when an exception condition occurs while executing the application program by the secondary computer, reporting the exception condition to the primary test computer"*** (see column 5, lines 20-37, the test results are then generated as either test suite log....);

***"and displaying the exception condition by the primary test computer"*** (see column, 5, lines 39-49, the server computer system takes the test suite logs, ... test suite logs identifying whether each executable command has passed or failed).

As per claim 2: *"The method of claim 1, further comprising the step of logging the input data by the primary test computer"* (see column 4, 24-45, the user defines a software product for testing, a proper test suite, and a plurality of different computer hardware configurations for a software testing "job."; where user is at the server computer system (primary test computer)).

As per claim 3: Regarding limitation, *"further comprising the step of mapping the input data to a format compatible with the secondary test computer, wherein the step of mapping is performed by the secondary test computer"*, Tse discloses that each servant computer might have its own hardware configuration (see column 1, lines 5-9), where a particular software product is intended to a particular hardware configuration for testing various of processor speed, memory capacities, and architecture (see column 1, lines 10-22). This teaching reveals that when the input data arriving, the selected servant computer "maps" (executes) the input. It means that input data is in suitable format to the hardware configuration of the selected servant computer. Also see column 2, lines 8-20, a test coverage is loaded by a servant computer for execution.

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As per claim 4: *"The method of claim 1, further comprising the step of logging the exception condition, wherein the step of logging is performed by the primary test computer"* (Tse shows that the log generated by a servant computer is sent back to the server computer system; column 5, lines 39-49).

As per claim 5: *"The method of claim 1, wherein the input data is entered using a keyboard"* (Tse shows a typical base computer in figure 8, which is included with I/O 310, where I/O is typical to a keyboard).

As per claim 6: *"The method of claim 1, wherein the input data is entered using a computer mouse"* (Tse shows a typical base computer in figure 8, which is included with I/O 310, where I/O is typical to a mouse).

As per claim 7: *"The method of claim 1, wherein the primary test computer sends the input data to the secondary test computer over the Internet, and the secondary test computer reports the exception condition to the primary test computer over the Internet"* (Tse discloses the testing is networked, column 4, lines 12-14).

As per claim 8: *"The method of claim 1, wherein the primary test computer sends the input data to the secondary test computer over an Intranet, and the secondary test computer reports the exception condition to the primary test computer over the Intranet"* (Tse discloses the testing is networked, column 4, lines 12-14).

As per claim 9: *"The method of claim 1, wherein the primary test computer sends the input data to the secondary test computer using TCP/IP communication protocol, and the secondary test computer reports the exception condition to the primary test computer using TCP/IP communication protocol"* (inherently in networked communication, Tse discloses the testing is networked, column 4, lines 12-14).

As per claim 10: The claimed functionality corresponds to the functionality of claim 1; therefore the claim is rejected in the same reason as set forth in connecting to the rejection of claim 1.

As per claim 11: *"The programmable media containing programmable software of claim 10, further comprising the step of displaying the exception condition by the primary test computer"*.

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The claimed functionality corresponds to the functionality of claim 1, "***displaying the exception condition by the primary test computer***"; therefore, the claim is rejected in the same reason as set forth in connecting to the rejection of claim 1.

As per claim 12: The claimed functionality corresponds to the functionality of claim 7; therefore the claim is rejected in the same reason as set forth in connecting to the rejection of claim 7.

As per claim 13: The claimed functionality corresponds to the functionality of claim 8; therefore the claim is rejected in the same reason as set forth in connecting to the rejection of claim 8.

As per claim 14: "*Programmable media containing programmable software for a secondary test program that tests an application program, the programmable media containing programmable software comprising the steps of: receiving input data sent by a primary test computer testing an application program, wherein the step of receiving is performed by a secondary test computer also testing the application program; mapping the input data to a form compatible with the secondary test computer, thereby providing mapped input data, wherein the step of mapping is performed by the secondary test computer; and when an exception condition occurs while executing the application program by the secondary test computer responsive to the mapped input data, reporting the exception condition to the primary test computer*", Claim 14 is an dual act of receiving in corresponding to sending, the functionality which is recited in claim 1. The claimed functionality of claim 14 corresponds to the functionality of claim 1; therefore, the claim is rejected in the same reason as set forth in connecting to the rejection of claim 1.

As per claim 15: The claimed functionality corresponds to the functionality of claim 7; therefore the claim is rejected in the same reason as set forth in connecting to the rejection of claim 7.

As per claim 16: The claimed functionality corresponds to the functionality of claim 8; therefore the claim is rejected in the same reason as set forth in connecting to the rejection of claim 8.

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.  
Worley, Jr. et al., US No. 5,596,733.

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**Andrews et al.**, "Broad-Spectrum Studies of Log File Analysis", ACM, pages: 105-114, 2000.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (703) 308-9049. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM ET. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam, can be reached on (703) 305-4552.

The fax phone numbers for this Group are:

Official: (703) 746-7239; After Final: (703) 746-7238; Non-Official: (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

TTV  
September 4, 2003



**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**